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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,613	09/30/2003	Mukund Raghavachari	YOR920030229	4202
34663 7590 08/25/2008 MICHAEL J. BUCHENHORNER 8540 S.W. 83 STREET MIAMI, FL 33143				
EXAMINER CONTIE, JOY KIMBERLY				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
08/25/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

MICHAEL@BUCHENHORNER.COM
ANA@BUCHENHORNER.COM

Office Action Summary

Application No.

10/674,613

Applicant(s)

RAGHAVACHARI, MUKUND

Examiner

JOY K. CONTEE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1,2,5-10,13-16,18,21,22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Zegelin, US 2005/0185615, recently discovered.

Regarding claims 1,10,18 and 22 (Currently amended) Zegelin discloses an information handling system comprising (and a computer product program embodied in a storage medium): a wireless unit within a network; a wireless access point for facilitating contact between the wireless unit and the network; logic for determining:

a target position for improved communication for the wireless unit based in part on information representing a recent position of the wireless unit and based in part on historical data on received signal strength at the recent and target positions (page 2 [0019]);

a transmitter for transmitting the directions to a user of the wireless unit, the directions including information directing the user of the wireless unit to move the wireless unit to the target position for improved reception (reads on selecting an access point for association) (see page 2[0021-0025]); wherein changing a position of the wireless unit from the recent position to the target position is more likely to result in improved reception and transmission of wireless signals to and from the wireless access point (see page 1[0005]).

Regarding claim 2, (Previously presented) Zegelin discloses the system of claim 1, further comprising a database for storing information relating to position and related data on wireless reception quality (reads on computer storing information for rating access point based on signal strength and traffic loading for moving mobile) (page 2 [0017-0024]) .

Regarding claim 5, (Original) Zegelin discloses the system of claim 2 wherein the inherently database is dynamically updateable based on reception strength input received from a plurality of wireless units(reads on computer storing information for rating access point based on signal strength and traffic loading for moving mobile) (page 2 [0017-0024]) .

Regarding claim 6, (Previously presented) Zegelin discloses the system of claim 1 wherein the logic for determining the target position comprises an application specific integrated circuit (page 2 [0017]).

Regarding claim 7, (Previously presented) Zegelin discloses the system of claim 1 wherein information based on historical data on received signal strength at the recent

and target positions is enhanced by information on the environment of the recent and target position (see page 2[0021-0025]).

Regarding claim 9, (Previously presented) Zegelin discloses the system of claim 1 further comprising a transceiver for receiving information representing the recent position of the wireless unit and for transmitting directions to the wireless unit, the directions including information directing a user of the wireless unit to the target position(see page 2[0021-0025]).

Regarding claim 13, (Previously presented) Zegelin discloses the method of claim 10 further comprising using a database comprising a history of communication quality at various positions(reads on computer storing information for rating access point based on signal strength and traffic loading for moving mobile) (page 2 [0017-0024]) .

Regarding claim 14, (Original) Zegelin discloses the method of claim 13 further comprising inherently updating the database dynamically as new data on communication quality are determined(reads on computer storing information for rating access point based on signal strength and traffic loading for moving mobile) (page 2 [0017-0024]) .

Regarding claim 15, (Previously presented) Zegelin discloses the method of claim 10 wherein the step of providing information comprises providing information relating to target positions within a destination area provided by the wireless client (page 2 [0020-0021]).

Regarding claim 16, (Previously presented) Zegelin discloses the method of claim 10 wherein the information provided to the user of the wireless client is based on

data relating to the wireless client's most recent position, direction and velocity (reads on evaluation based on proximity and movement of mobile, see page 2 [0021-0025]).

Regarding claim 21, (Currently amended) Zegelin discloses the computer program product readable medium of claim 18 further comprising computer program code using information on the most recent location, direction, and velocity of the wireless client to project the target position for the wireless client where improved communication is likely velocity (reads on evaluation based on proximity and movement of mobile, see page 2 [0021-0025]).

Regarding claim 24, (Original) Zegelin discloses the wireless telecommunication unit of claim 22 wherein the processor logic comprises a programmable processor and program instructions (reads on computer controller, see page 2'0016-007]).

Regarding claim 25, (Original) Zegelin discloses the wireless telecommunication unit of claim 22 wherein the processor logic comprises an application-specific integrated circuit (page 2 [0017]).

Regarding claim 26, (Previously presented) Zegelin discloses the wireless telecommunication unit of claim 22 further comprising a database storing information relating to position and related data on wireless reception quality at the recent and target positions (reads on computer storing information for rating access point based on signal strength and traffic loading for moving mobile) (page 2 [0017-0024]) .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 8, 11, 12, 19, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin, in view of Rappaport et al. (Rappaport), US 2006/0015814.

Regarding claim 3, (Original) Zegelin discloses the system of claim 1, but fails to disclose further comprising a global positioning system.

In a similar field of endeavor, Rappaport discloses a global positioning system.

Regarding claim 4, (Previously presented) Zegelin discloses the system of claim 1 wherein the logic for determining the target position comprises a mapping device for defining the target position.

In a similar field of endeavor, Rappaport discloses a mapping device for defining the target position (see page 1 [0005]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zegelin to include GPS for location detection since Zegelin suggests using other automatic location means (see page 2 [0017]).

Regarding claim 8, (Previously presented) Zegelin discloses the system of claim 1 but fails to disclose further comprising an input/output interface for presenting the user with information on the target position.

In a similar field of endeavor, Rappaport discloses an input/output interface for presenting the user with information on the target position (page 2 [0002] and [0017]).

Regarding claim 11, (Previously presented) Zegelin discloses the method of claim 10 but fails to disclose wherein the step of determining the most recent position of the wireless client further comprises receiving a global positioning system signal.

In a similar field of endeavor, Rappaport discloses determining the most recent position of the wireless client further comprises receiving a global positioning system signal(see page 1 [0005]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zegelin to include GPS for location detection since Zegelin suggests using other automatic location means (see page 2 [0017]).

Regarding claim 19, (Currently amended) Zegelin discloses the computer program product_readable medium of claim 18 but fails to disclose further comprising computer program code for receiving a global positioning system signal.

In a similar field of endeavor, Rappaport discloses determining the most recent position of the wireless client further comprises receiving a global positioning system signal(see page 1 [0005]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zegelin to include GPS for location detection since Zegelin suggests using other automatic location means (see page 2 [0017]).

Regarding claims 12 and 20, (Currently amended) Zegelin discloses the computer program product_readable medium of claims 10 and 19 but fails to disclose

wherein the computer program code for providing directions information further comprise at least one instruction from among the instructions:
providing a map illustrating a route to the target position; providing a text message comprising navigation instructions to the target position; providing an audio message comprising navigation instructions to the target position; and providing a video message comprising navigation instructions to the target position.

In a similar field of endeavor, Rappaport discloses wherein the computer program code for providing directions information further comprise at least one instruction from among the instructions:
providing a map illustrating a route to the target position; providing a text message comprising navigation instructions to the target position; providing an audio message comprising navigation instructions to the target position; and providing a video message comprising navigation instructions to the target position. (page 2 [0002] and [0017] and page 3 [0032]).

Regarding claim 23, (Original) Zegelin discloses the wireless telecommunication unit of claim 22 but fails to disclose further comprising a global positioning system.

In a similar field of endeavor, Rappaport discloses determining the most recent position of the wireless client further comprises receiving a global positioning system signal(see page 1 [0005]).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zegelin to include GPS for location detection since Zegelin suggests using other automatic location means (see page 2 [0017]).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zegelin, in view of Schipper et al. (Schipper), US 6,038,444.

Regarding claim 17, (Previously presented) Zegelin discloses the method of claim 10 but fails to disclose wherein the step of determining the wireless client's most recent position comprises using triangulation.

In a similar field of endeavor, Schipper discloses determining the wireless client's most recent position comprises using triangulation (col. 2, lines 15-24).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Zegelin to include triangulation for location detection since Zegelin suggests using various location means to get location (see page 2 [0017]).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOY K. CONTEE whose telephone number is (571)272-7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571.272.7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JC

/Joy K Contee/
Patent Examiner (PSA), Art Unit 2617